

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SEI KI JULIE PARK, et al.,

Plaintiffs,

-against-

JOSE A. REYES, et al.,

Defendants.
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MEMORANDUM
AND ORDER

11-CV-5982 (WFK)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

The removal papers in this action do not disclose the citizenship of the defendant Jose Reyes at the time the action was removed to state court. See Notice of Removal ¶ 4 (stating only that Reyes resided in Rhode Island “at the time this action was commenced”). However, where, as here, “removal is predicated on diversity, the parties must be diverse both at the time of removal and at the time the state court complaint was filed.” Albstein v. Six Flags Entm’t Corp., No. 10 Civ. 5840(RJH), 2010 WL 4371433, at *2 (S.D.N.Y. Nov. 4, 2010) (citing Vasura v. Acands, 84 F.Supp.2d 531, 535 (S.D.N.Y. 2000)); see also United Food & Commercial Workers Union v. Centermark Props. Meriden Square, Inc., 30 F.3d 298, 301 (2d Cir. 1994). Therefore, the removal papers are defective.

By January 5, 2012, defendants shall either cure the defect or stipulate that federal jurisdiction is lacking.

SO ORDERED.

**Dated: Brooklyn, New York
December 28, 2011**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**